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MORRISON & FOERSTER LLP  
12531 HIGH BLUFF DRIVE  
SUITE 100  
SAN DIEGO CA 92130-2040

In re Application of	:	NOTIFICATION
BURNS et al.	:	
Application No.: 10/538,499	:	
PCT No.: PCT/AU2003/001661	:	
Int. Filing Date: 11 December 2003	:	
Priority Date: 11 December 2002	:	
Attorney Docket No.: 529282001700	:	
For: PYRAZINE-BASED TUBULIN	:	
INHIBITORS	:	

This notification is in response to applicants' submission filed 24 October 2006 in the United States Patent and Trademark Office (USPTO).

**BACKGROUND**

On 11 December 2003, applicant filed international application PCT/AU2003/001661, which designated the United States and claimed a priority date of 11 December 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 24 June 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 June 2005 (11 June 2005 being a Saturday).

On 09 June 2005, applicants filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 10 February 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required.

On 03 August 2006, applicants filed a submission including a declaration of inventors and the surcharge under 37 CFR 1.492(h).

On 11 October 2006, a Notification was mailed indicating, *inter alia*, that the declaration filed 03 August 2006 did not list the inventorship set forth in the international application and

that no Form PCT/IB/306 appeared in the file for any of the additional three inventors listed in the declaration filed 03 August 2006.

On 24 October 2006, applicants filed the instant submission which included a Form PCT/IB/306 for each of the three additional inventors listed in the declaration filed 03 August 2006.

#### **DISCUSSION**

The copies of the PCT/IB/306 Forms submitted 24 October 2006 establish that a change to the inventive entity has been effected under PCT Rule 92bis. Thus, the declaration does list the proper inventive entity. The declaration filed 03 August 2006 is in compliance with 37 CFR 1.497(a)-(b).

#### **CONCLUSION**

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.



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